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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.)
11 PHILLIP BERRY,)
12 Defendant.)

2:11-CR-250-MMD-(CWH)

13 **FINAL ORDER OF FORFEITURE**

14 On November 29, 2012, the United States District Court for the District of Nevada entered
15 a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United
16 States Code, Section 924(d)(1), (2)(C), and (3)(B) and Title 28, United States Code, Section 2461(c),
17 Title 21, United States Code, Section 853(a)(1) and (a)(2); and Title 21, United States Code, Section
18 881(a)(11) and Title 28, United States Code, Section 2461(c) based upon the plea of guilty by
19 defendant PHILLIP BERRY to the criminal offense, forfeiting specific property alleged in the
20 Criminal Indictment and agreed to in the Plea Memorandum, and shown by the United States to have
21 the requisite nexus to the offense to which defendant PHILLIP BERRY pled guilty. Criminal
22 Indictment, ECF No. 1; Plea Memorandum, ECF No. 74; Preliminary Order of Forfeiture, ECF No.
23 73; Change of Plea Minutes, ECF No. 72.

24 This Court finds the United States of America published the notice of the forfeiture in
25 accordance with the law via the official government internet forfeiture site, www.forfeiture.gov,
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1 consecutively from December 8, 2012, through January 6, 2013, notifying all third parties of their right
2 to petition the Court. Notice of Filing Proof of Publication, ECF No. 75.

3 This Court finds no petition was filed herein by or on behalf of any person or entity and the
4 time for filing such petitions and claims has expired.

5 This Court finds no petitions are pending with regard to the assets named herein and the time
6 for presenting such petitions has expired.

7 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
8 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
9 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
10 32.2(c)(2); Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(B) and Title 28, United
11 States Code, Section 2461(c), Title 21, United States Code, Section 853(a)(1) and (a)(2); and Title 21,
12 United States Code, Section 881(a)(11) and Title 28, United States Code, Section 2461(c); and Title
13 21, United States Code, Section 853(n)(7) and shall be disposed of according to law:

- 14 1. \$1,000.00 in United States Currency;
- 15 2. a Ruger, model P95, 9mm handgun, bearing serial number 315-35753; and
- 16 3. any and all ammunition ("property").

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited
18 funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well as
19 any income derived as a result of the United States of America's management of any property forfeited
20 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

21 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
22 certified copies to the United States Attorney's Office.

23 DATED this 25 day of March, 2013.

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UNITED STATES DISTRICT JUDGE